

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

ANDREA PROCTER PAIGE,  
Plaintiff,

v.

Cause No. 3:19-cv-00319

AM HOSPICE INC.,  
Defendant.

PLAINTIFF'S ORIGINAL COMPLAINT AND JURY DEMAND

TO THE HONORABLE COURT:

Plaintiff Andrea Procter Paige (“Employee Paige” or “Plaintiff”), now complains of Defendant AM Hospice Inc. (“Employer AM Hospice” or “Defendant”), and respectfully shows the Court and jury as follows:

**I. PARTIES**

1. Employee Paige is a natural person residing in El Paso, Texas.
2. Employer AM Hospice Inc. is a Texas corporation which may be served with process by serving its registered agent, Gloria Nares, at 3727 Montana Ave, El Paso, TX 79903, or wherever she may be found.

**II. JURISDICTION**

3. Jurisdiction is proper in this Honorable Court based on federal question jurisdiction.

**III. FACTUAL CHRONOLOGY**

4. Employers MUST prevent retaliation against employees who report and or oppose Medicare fraud at work.
5. AM Hospice Inc. is an employer.
6. Employer AM Hospice MUST prevent retaliation against employees who report and or oppose Medicare fraud at work.

7. On or about July 29, 2019, Employer AM Hospice hires an Employee as a Director of Nursing.
8. **On or about August 12, 2019, Employer AM Hospice Supervisor Norma Rodriguez receives the Employee's report that her audit of Employer AM Hospice's patients reveals that Employer AM Hospice is admitting patients who do not qualify for hospice care, and then fraudulently billing Medicare for the admitted patients who do not qualify.** Plaintiff communicated her good faith opposition to and report of such fraud to Supervisor Norma Rodriguez.
9. Employer AM Hospice illegally harasses Employee for, among other things, her opposition and report of fraud.
10. Less than two weeks later, on August 23, 2019, Employer AM Hospice Supervisor Rodriguez terminates the Employee.
11. The Employer AM Hospice had given zero disciplinary notices/actions to Employee at or before Employee's termination of employment.
12. That Employee is Andrea Proctor Paige.

#### **IV. CAUSES OF ACTION**

##### FALSE CLAIMS ACT

13. In part, Employee Paige was discriminated against, retaliated against, and fired in violation of the False Claims Act, 31 U.S.C. §3730(h), which protects employees who report or engage in efforts to stop fraud against the United States government, including Medicare fraud.

#### **V. HARMS AND LOSSES**

14. Employee Paige seeks statutory damages, back pay, front pay, and/or lost wages and benefits in the past and future. Further, Employee Paige is entitled to compensatory damages,

including pecuniary damages, mental anguish or emotional pain and suffering inconvenience, and loss of enjoyment of life in the past and in the future.

15. Employee Paige is entitled to recover two times the amount of back pay, interest on the back pay, and compensation for any special damages because Employer AM Hospice discriminated against, retaliated against, and fired Employee Paige for reporting or engaging in efforts to stop fraud against the United States government, including Medicare fraud, as contemplated by 31 U.S.C. §3730(h).

**VI. JURY DEMAND**

16. Employee Paige requests that this case be decided by a jury as allowed by Federal Rules of Civil Procedure 38.

**VII. ATTORNEYS' FEES AND COSTS**

17. Pursuant to 31 U.S.C. §3730(h)(2), Plaintiff is entitled to reasonable attorney's fees and reasonable expert fees as costs in prosecuting this lawsuit.

### VIII. PRAYER

18. Plaintiff prays that she recover from Defendant statutory damages, and actual damages, including but not limited to, past and future lost earnings, mental anguish and inconvenience, emotional pain and suffering, loss of enjoyment of life, bodily injury, pain and suffering, economic damages and benefits in the past and future, compensatory damages, punitive damages, prejudgment interest, post judgment interest, costs and such other and further relief to which he may show herself to be justly entitled, in law and in equity.

**SIGNED** this 2<sup>nd</sup> day of November, 2019.

Respectfully submitted,

**CHAVEZ LAW FIRM**

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